

**BOONE COUNTY
AREA PLAN COMMISSION**

A. Petition Number:	13MA-7M-035
B. Applicant:	Harold W and Kaye E. Stark
C. Identification Number:	007-02750-10
D. Location:	The location of this petition is east of County Road 1100 East and north of County Road 300 North.
E. Ordinance Process:	<p><u>Ordinance Process</u></p> <p>Upon reviewing the submitted application for subdividing a parent tract of land, the APC Director finds the proposed (3) parcels splits require a minor subdivision is required by the Boone County Subdivision Control Ordinance, Section 4, Subsection C requires a Special Exception with Minor Plat approval. The property is zoned General Agricultural, therefore, as found in Table 2, of the Boone County Zoning Ordinance, any new single family home in the Agricultural Zoning District requires Special Exception approval. The Board of Zoning Appeals will review the Special Exception application based on (6) outlined Special Exception evaluation criteria prior to the Minor Plat being heard before the Area Plan Commission.</p>
F. Land Use and Zoning:	<p><u>Present Zoning</u></p> <p>The present zoning classification of the entire 28.61 acres is General Agricultural (AG).</p>
G. Action Requested:	<p><u>Subdivision of Parent Tract</u></p> <p>On April 24, 2013, the Boone County Board of Zoning Appeal (BZA) approved a Special Exception with Minor Plat with conditions.</p> <p><u>Minor Plat Approval</u></p> <p>The applicant is seeking Minor Residential Plat approval from the Area Plan Commission.</p> <p><u>Parcel Split History</u></p> <p>A parent tract of 28.61 acres, has been split (3) times as outlined in the enclosed site plan since the enacted Ordinance date of January 1, 1999. The parcel splits which have occurred since January 1, 1999 include the following:</p>

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Lot 1:	Owner: Harold and Kaye Stark	Acreage: 10.00 Acres
Lot 2:	Owner: Lowell G. Hancher Jr. Grethen Hancher	Acreage: 12.94 Acres
Parcel Split 3:	Owner: Robert Clayton *(Non-Buildable) Due to property being in Neill Legal Drainage Easement	Acreage: 5.67 Acres

H. History:

History of Application Submittal

This is the first time this item has appeared before the Area Plan Commission.

I. Soils:

Boone County Soil and Water Conservation District

Treaty

Poorly drained soil with a seasonal high water table. Slow permeability. Responds well to tile drainage.

J. Utilities:

Septic and Well Facilities

This site will be provided with septic and well facilities.

K. Technical Advisory Committee Comments:

This item was reviewed by the (TAC) Technical Advisory Committee on March 27, 2013 and had the following comments:

Boone County Health Department

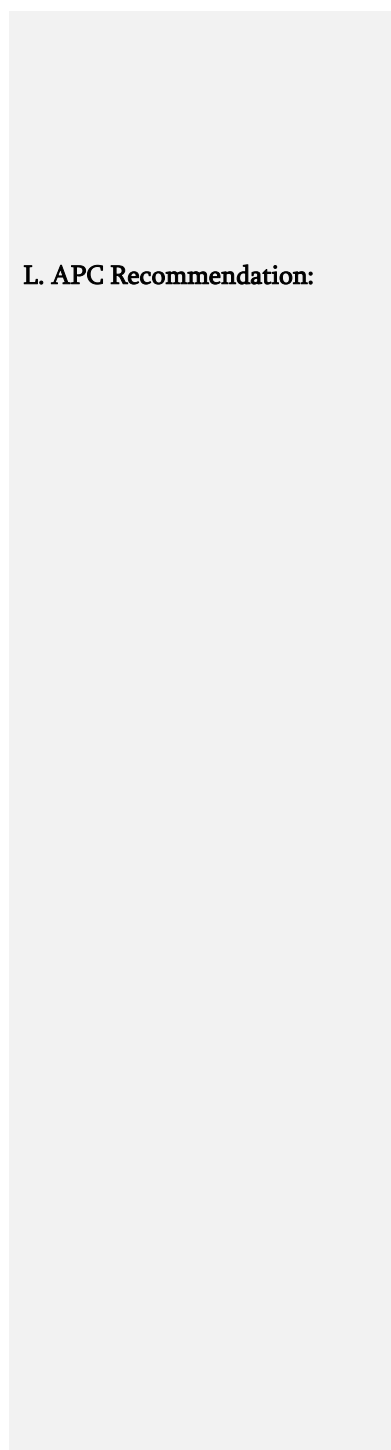
The applicant is required to provide soil borings which demonstrate the ability to provide a conducive septic system for all lots prior to the APC approving the final plat.

Boone County Surveyors Office

The applicant will need to apply for the necessary drainage permit for Lot 1.

Boone County Highway Department

In review of the requested driveway cut for Lot 1, the BCHD has no issue with a new driveway. The applicant is required to apply for the necessary Driveway Cut permit.



L. APC Recommendation:

Boone County Area Plan Commission

In review of the requested Stark Minor Plat, Area Plan Staff finds the proposed minor plat adheres to the Boone County Subdivision Control Ordinance. The applicant has complied with the development and lot splitting standards of Section 4, Subsection C – Minor Residential Subdivisions.

Area Plan Staff recommends approval of this Minor Residential Plat as presented with the following conditions:

- 1) The applicant sign a Right to Farm Agreement.
- 2) The applicant sign a Drainage Agreement.
- 3) Lot 1 receive final Technical Advisory Committee (TAC) approval, prior to issuance of the Improvement Location Permit (ILP).
- 4) The property owned by Robert Clayton (5.67 acre parcel) will not subject to the Covenants, Conditions, and Restrictions of the Stark Minor Plat, specifically, found on the Dedication Certificate of the Plat. The property is non-buildable based on the fact, the entire 5.67 acres is located in the Neill Legal Drainage Easement. No future residential structures will be approved by the APC, regardless if there is a change in property ownership.
- 5) The Boone County Health Department approve the submitted soil borings for Lot 1.

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